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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,123	08/31/2001	Robert A. Leydier	40,0048	2062
41754	7590	09/16/2010		
THE JANSSON FIRM				
3616 Far West Blvd				
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AUSTIN, TX 78731				
EXAMINER				
ZIA, SYED				
ART UNIT		PAPER NUMBER		
2431				
NOTIFICATION DATE		DELIVERY MODE		
09/16/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lawfirm@thejanssonfirm.com

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Office Action Summary

Application No.

09/945,123

Applicant(s)

LEYDIER ET AL.

Examiner

SYED ZIA

Art Unit

2431

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-7, 10-13, 16-31, 34, 39-48 and 50-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3-7, 10-13, 16-31, 34, 39-48 and 50-53 is/are allowed.
- 6) ☒ Claim(s) 54 and 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

This office action is in response to remarks and amendments filed on June 19, 2010.
Claims 1, 3-7, 10-13, 16-31, 34, 39-48, and 50-55 are pending.

Allowable Subject Matter

1. Claims 1, 3-7, 10-13, 16-31, 34, 39-48, and 50-53 are allowed.

Response to Arguments

Applicant's arguments filed on June 19, 2010 have been fully considered but they are not persuasive because of the following reasons:

Regarding Claims 54-55 applicant argued that system of cited prior art does not teach the subject matter as claimed.

This is not found persuasive. The system of cited prior art teaches a IC card used for identifying users. The transducer supplies a pair of plane electrodes and voltage fluctuations are detracted by amplifier through a pair of leads to produce vibrations in piezelectric ceramic sheet. Therefore, microphone of Nita is integrated in the card. In the art of authenticating users of smart cards, the voice and speech are used interchangeably. The system of cited prior art teaches the IC card that can store or analyze the speech and generate a corresponding command, or data, such as authentication, by inputting commands or data by voice. Therefore, Nita does teach authentication and authorization of users based on the recognition of user's voice

As a result, the system of cited prior arts does implement and teaches a system and method for a smart card with an integrated circuit that is able to receive and process user voice information for tasks such as authentication, identification, command execution (Fig.1-15).

Therefore, the examiner asserts that cited prior art does teach or suggest the subject matter recited in independent Claims 54, and in subsequent dependent Claims. Accordingly, rejections for claims 54-55 are respectfully maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nitta (4,851, 654) in view of Gainsboro (U.S. Publication No.: 2002/0071537).
2. As per claim 54 Nitta discloses an integrated circuit (fig. 1A sheet 1), including: a biometric voice sensor is inherent in Nitta, because Nitta discloses a microphone(ref # 9 fig. 1A sheet 1), and Nitta discloses that when a card holder utters some words to the card the microphone(9) receives the speech and transduces it into speech signals(see col. 2, lines 59-61). Nitta discloses wherein the voice sensor is configured to detect the speech of the user and to produce a signal responsive to the speech of the user(see col. 2, lines 59-64); and a voice

processing circuit inherent in Nitta, integrated into a portion of the integrated circuit, wherein the voice processing circuit is configured to receive the signal from the biometric voice sensor and to process the signal to extract the voice characteristics representative of the user that is included on the ic card(see col. 2, lines 59-64, col. 4, lines 40-66).

3. In Claim 54 Nitta does not disclose biometric voice verification and monitoring
Gainsboro discloses biometric voice identification and monitoring (see paragraph 0018, and 0028). It would have been obvious to one of ordinary skill in the art at the time of the invention to include wherein the voice monitoring and verification of Takahashi with Nitta, the motivation is that to process a user information for identification and authentication.

4. As per claim 55, the system of Nitta and Gainsboro discloses wherein the portable device is an integrated circuit card comprising a plastic frame in which the integrated circuit is embedded (see Nitta col. 2,lines 5-15, and lines 59-68, col. 3, lines 1-7, col. 6, lines 8-16).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED ZIA whose telephone number is (571)272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sz

September 9, 2010

/Syed Zia/

Primary Examiner, Art Unit 2431